

R E M A R K S

Claims 16 is allowed.

Claims 4, 5, 8, 12, 15, 24, 28, 30, 32, 33, 36-39, and 42 are objected to.

Claims 1-3, 6-7, 9-11, 13-14, 17-23, 25-27, 29, 31, 34-35, 40-41, and 43-44 are rejected under 35 USC 102 as being clearly anticipated by Stork et al, US Patent 5,710,816. Applicant respectfully traverses.

Claim 1 is amended to correct an error that gives rise to an ambiguity, and claim 8 is amended to remove an antecedence problem.

Stork et al describe an arrangement where a transmitting unit 304 dials a receiving unit 305, determines that the receiving unit enters a voice recording state, and takes action (col. 2, lines 18-34). The action taken is that of the transmitting unit sending some information that alerts the receiving unit that an encrypted message will be sent, followed by the sending of the encrypted message. The receiving unit accepts the information, the caller ID, and the encrypted message and stores all of that information. To retrieve the message, a user enters a required code (pressing a sequence of buttons on the receiver) and that sends a certification request back to the transmitting unit (presumably, in the clear). The transmitting unit returns a decryption key that enables the receiving unit to decrypt the message that is stored in the telephone answering system.

Stork et al do not describe how transmitting unit 304 dials, nor how such dialing eventually results in the transmitting unit 304 determining that receiving unit 305 is entering a voice recording state. However, at col. 2, lines 21-22, the reference states: "[T]he process of dialing in a telephone systems [sic] is well-known to those skilled in the art." The Examiner has not explicitly supplied his own hypothesis but, based on guidance of the reference, prior art would suggest the following:

1. transmitting unit 304 is something akin to a telephone with encryption capability.
 - It has a dialing pad.
2. There is no reason to believe that the output on path 301 is digital, and since transmitting unit 304 sometimes does NOT encrypt, that is, where receiving unit 305 is not in a voice recording state, the more likely situation is that path 301 carries analog signals. With this assumption, when encrypting, path 301 carries an analog signal that contains digitized (encrypted voice) information.

3. path 301 encompasses at least one central office, and possibly numerous PSTN routes that include switching nodes. The central office that communicates with receiving unit 305 provides a ringing signal to unit 305.
4. After a number of ringing intervals without a connection being established by a user of unit 305 “going off hook,” a telephone answering system within unit 305 establishes such a connection.
5. It is at this point that transmitting unit 304 detects that receiving unit 305 enters a voice recording state.

From the above, applicant would summarize that it is not known whether path 301 carries an analog signal that sometimes carries digitized and encrypted voice, or whether it carries a digital signal. However, the weight of probability is on the former. What is also not known, but essential to the asserted operation of the system, is that at least one central office of the PSTN is embedded in path 301.

The Examiner asserts that

- the transmitter unit 304 corresponds to the coupler defined in applicant’s claim 1,
- microphone 310 of unit 304 corresponds to the first port of applicant’s claim 1,
- the connection between microphone 310 and encryption logic unit 307 corresponds to the first interface circuit,
- something between encryption logic unit 307 and path 302 to receiving unit 305 forms the second port of applicant’s claim 1, and
- encryption logic 307 constitutes the first interface circuit, the second interface circuit, and the encryption module.

Applicant respectfully disagrees that there correspondences are valid relative to claim 1.

First, amended claim 1 defines the first port as a port “**for** interacting with a telephone answering system” (emphasis supplied). That is, the purpose of the port is to enable an interaction with a telephone answering system. In contradistinction, applicant respectfully submits that microphone 310 is **for accepting sounds** that impinge on the microphone and converting them to audio signals; not for interacting with a telephone answering system.

Second, the Examiner asserts that “307 to 310” corresponds to the first interface circuit. As best understood, “307 to 310” refers to the wire that connects unit 307 to microphone 310. A wire is not a circuit.

Third, the Examiner asserts that “307 to 301” corresponds to the second interface circuit. This is not understood. As depicted, “301” is the wire path leading to unit 307. There is nothing other than the connection point between, wire 301 and unit 307. If that is the Examiner’s assertion, applicant respectfully submits that a connection point is not a circuit. If the Examiner impliedly asserts that “301” stands for the PSTN elements, such as the central office that are addressed above, then “307 to 301” corresponds to the wire between such elements and unit 307. Again, a wire is not a circuit.

Fourth, the Examiner has pointed to no controller. Rather, the Examiner has pointed to the flowchart of the process that is carried out in the transmitting unit, but there is no indication as to which element or elements carry out this process. For sake of argument, it is assumed that the transmitting unit includes some unknown additional circuitry that implements the FIG. 1 process delineated by the flowchart, and thus constitutes the “controller.” However, since there is no teaching relative to this phantom controller, it is not possible to assert any specific connection between it and other elements, such as the connectivity that is specified in the last clause of claim 1. If, for example Stork et al had taught that the controller is embedded in the storage area 300, the connectivity of the controller would be different from the connectivity that would exist if Stork et al had taught that the controller is embedded in microphone 310, or in encryption logic 302.

Nevertheless, the following can be surmised about this not-shown controller from the FIG. 1 flowchart. This controller sends out dial tones, determines whether the receiver enters a “record” mode, sends certification information, decides whether the encryption module should encrypt the voice signal, causes the module to encrypt the voice signal in appropriate cases, and provides a decryption key when requested.

In contradistinction, none of the functions that are specified in claim 1 to be included in the controller are found among the above-recited functions. Specifically, the claim 1 controller causes the first interface circuit to apply ringing signals to the first

interface circuit to the first port, in response to a verified request from the second port to gain access to information in the telephone answering system.

To place this in context of the Examiner's assertions of correspondence, that means that the (not-shown) controller of Stork et al causes encryption logic unit 307 to apply a ringing signal to microphone 310 in response to a "verified request to gain access to information" that arrives at transmitting unit 304 from line 301 (the second port), where the request that arrives at the second port is "to gain access to information is said telephone answering system." *This is totally out of sync with what is going on in unit 304*, because no ringing signals are applied by encryption logic unit 307, no ringing signals are applied to microphone 310 by any element, and it makes absolutely no sense to apply ringing signals to a microphone (or any other signals, for that matter). Further, whatever request does arrive from receiving unit 305, it certainly is not a request to gain information in a telephone answering system, because microphone 310 is not interacting with any a telephone answering system and therefore there is no valid telephone answering system correspondence.

The Examiner does not appear to have explicitly asserted (in connection with the claim 1 rejection) that the telephone answering system within receiver unit 305 corresponds to the telephone answering system of claim 1. Additionally, it may be tempting to assert that the telephone answering system referred to relative to the controller is the telephone answering system within unit 305, and that the language which states that a request is made to unit 304 to gain access to information in a telephone answering system can apply to a request to gain information in the telephone answering system within unit 305. However, such an interpretation is unavailable because the telephone answering system referred to in connection with the controller is the telephone answering system that interacts with microphone 310, and as discussed above, the telephone answering system within unit 305 does not fit this limitation.

In short, relative to the Examiner's assertions, there is absolutely nothing in the reference that describes structure or processing in Stork et al that faithfully correspond either to the controller within applicant's claim 1, or to the two interface circuits. Therefore, applicant respectfully submits that claim 1 is not anticipated by Stork et al.

The following addresses a number of claims that depend on claim 1. It is to be understood, however, that the reasons presented *infra* for holding no anticipation are over and above the reasons given *supra* in connection with claim 1.

As for claim 2, it is quite clear that the encryption logic unit of Stork et al does NOT encrypt all signals, because it does not encrypt signals whenever the receiving unit is NOT in a voice recording mode. In contradistinction, claim 2 clearly specifies that “the encryption module encrypts **all** signals set for delivery to said second port” (emphasis supplied). Therefore, claim 2 is clearly not anticipated by Stork et al

As for claim 6, microphone 310 might be considered to be an analog port, since sound waves are analog in nature, but microphone 310 not a port that is “adapted for connection to a telephone answering device.” Since that is precisely what claim 6 defines the first port to be, it follows that claim 6 is not anticipated by Stork et al.

Relative to claim 9, the sequence that the user enters into receiving unit 305 to cause it to send a certification request to transmitting unit 304 may be considered to be a password, but there appears to be no “*bona fide*” determination in the transmitting unit. In contradistinction, claim 9 specifies that the controller recognizes whether the request is *bona fide*. Therefore, applicant respectfully submits that claim 9 is not anticipated by Stork et al.

As for claim 10, there is no application of DTMF codes to microphone 310 (the first port) as claim 10 specifies. Therefore, claim 10 is not anticipated by Stork et al.

Claim 14 is an independent claim. It defines an arrangement having a telephone answering system with an analog port, and a coupler. The Examiner asserts that the receiving unit 305 corresponds to the telephone answering system, and that microphone 310 corresponds to the analog port of the telephone answering system. This makes no sense, on two levels.

First, if microphone 310 is the analog port of the telephone answering system, than everything in between (at least element 307 that is in the path between receiving unit 305 and element 310) is part of the telephone answering system. That leaves nothing for the coupler. Yet, the Examiner asserts that unit 304, which necessarily must be included in the asserted “telephone answering system” is the coupler. This cannot be, since claim 14 specifies both the telephone answering system and a coupler. The term “and”

signifies something additional. Stated in other words, the phrase “telephone answering machine **and** a coupler” is a different arrangement than “telephone answering machine that includes a coupler,” or ““telephone answering machine comprising a coupler,” or “telephone answering machine having a coupler,” and the Examiner is not free to ignore the distinction.

Second, a skilled artisan reading the reference realizes that the PSTN network is between units 304 and 305. It makes no sense to assert that the PSTN network and units at two end points of the network combine to form a “telephone answering system.” Telephone answering systems are well known in the art, and none span the PSTN.

Moreover, claim 14 specifies that a controller causes ringing signals to be applied by the first interface circuit to be applied to the analog port. As addressed in connection with claim 1, based on the Examiner’s assertions that would mean that some phantom controller causes the encryption logic circuit to apply ringing signal to microphone 10. This is definitely something that Stork et al does not teach or suggest, and no artisan would.

For the above reasons, applicant respectfully submits that the assertions made by the Examiner fail and that claim 14 is not anticipated by Stork et al.

The Examiner lumps the rejection of claim 17 with that of claim 14. This is surprising because claim 17 is materially different from claim 14. Claim 17 specifies a controller that communicates digitally with the first port, that the controller receives a digitized voice signal from the first port, and that the controller encrypts the digitized voice signal. As indicated above, Stork et al do not describe a controller, and the Examiner does not point to a controller. Applicant agrees that some control mechanism is probably present in transmitter unit 304, but neither the Examiner nor applicant can point to where it is. Therefore, as stated above, applicant respectfully submits that no teachings regarding the controller’s interaction with any elements can be assumed and, in any event, a claim cannot be rejected under 35 USC 102 based on an assumption.

Nevertheless, whatever and wherever the controller may be, it remains that the Examiner asserts that microphone 310 is the “first port.” Since claim 17 specifies that the first port provides a digitized voice, since microphones output analog signal, since the Examiner did in fact assert that microphone 310 is an analog port, and since there is

absolutely no teaching to suggest that microphone 310 outputs digitized voice, it is clear that the controller limitation of claim 17 is not met.

Further, claim 17 specifies an interface circuit that conditions the encrypted voice signal. The Examiner points to no such circuit. Therefore, based on all of the above, applicant respectfully submits that claim 17 is not anticipated by Stork et al.

With respect to claim 18, the Examiner asserts that

1. units 304 and 305 combine to correspond to the telephone answering system,
2. microphone 310 is the first port,
3. microphone 310 is also a telephone instrument that connects to the first port,
4. the connection between element 307 and microphone 310 is the interface circuit that connects to the first port,
5. the flow diagram is a controller
6. something between 307 and path 301 is the interface circuit that is coupled to the controller for interacting with a second port, and
7. path 301 is the second port.

Relative to the first assumption, the Examiner's attention is respectfully directed to the above remarks pertaining to claim 14. Relative to assertions 2 and 3, applicant respectfully submits that microphone 10 is either a port, or is something that connects to the port. It cannot be both. Relative to assertion 4, a wire is not a circuit. As for assertions 6 and 7, the Examiner's attention is respectfully directed applicant's remarks relative to the same assertion with respect to claim 1.

As for the controller, claim 18 specifies a memory that stores program modules. The Examiner points to elements 320 and 309. Since element 320 is at a first physical point, and element 309 is at another physical point that is remote from the first physical point, and since the controller includes the memory, the Examiner must choose as to where the controller is, and which of the two elements (309, 320) form the "memory" referred to in claim 18 as "controller having a **memory**." The Examiner has not so chosen. Nevertheless, it is noted that there is absolutely no teaching that the memories in the Stork et al units contain program modules. The flowchart presented by Stork et al merely describes a process, and in fact describes actions taken by different elements. This is actually contraindicative of a stored program controller, and it is more indicative

of an arrangement that has a number of different controllers, each controlling different devices. Even accepting that, each of the different controllers need not necessarily be a stored program controller with memory that stores program modules.

In short, there is no teaching of any memory that stores program modules, and it is respectfully submitted that the Examiner is not free to assume it and lodge an 35 USC 102 rejection based on such an assumption.

Moreover, since the entire thrust of the Stork et al disclosure suggests that the telephone answering system is within element 305, notwithstanding the Examiner's assertion that the answering system encompasses unit 305, the PSTN between unit 305 and 304, and unit 304. Therefore, applicant makes the assumption that the not-shown controller that is best associated with the Examiner's assertions relative to the telephone answering function that is described in the reference is within receiving unit 305, and that if the controller is a stored program controller, than the "memory" mentioned in claim 18 is likely to be the memory of element 320 or some other memory within receiving unit 305.

Claim 18 specifies that the controller receives from the second port a "request to send messages stored in" the memory. No such request is made to anything in receiving unit 305 via the second port, and the Examiner points to no passage that suggests it. If at all, such a request comes from a user that interacts with receiving unit 305 via some other port.

Claim 18 also specifies that the controller confirms that the request is bona fide. No such confirming it taught in the reference relative to the second port, or even in connection with a request from the user, and the Examiner cites no passage in the reference that suggests such confirming.

Claim 18 also specifies that the controller interacts with the second port to retrieve a message. No such interaction occurs via the second port, and the Examiner has not pointed to any passage that suggests it.

Claim 18 also specifies that the controller interacts with the second port to encrypt the message. Whatever controls the telephone answering system within unit 305 does not do any encrypting. Whatever does the encrypting is within unit 304, and such encrypting is not effected through interaction with the second port.

In short, none of the correspondences asserted by the Examiner withstand careful scrutiny. Since all of the assertions fail, since none of the elements specified in claim 18 are found in Stork et al, it follows that claim 18 is not anticipated by Stork et al.

The following addresses a number of claims that depend on claim 18. It is to be understood, however, that the reasons presented *infra* for holding no anticipation are over and above the reasons given *supra* in connection with claim 19. It is noted that although claims 19-23 and 25-28, which depend on claim 18 were rejected, the Examiner fails to make any comments to justify the rejection.

Claim 19 speaks of decrypting a request for retrieval of the stored message. The request to retrieve is not encrypted, so there is no need to decrypt it.

Claims 21 through 28 all address the stored program modules, and each one of them distinguishes from Stork et al; some based on more than one factor. Also, some of them specify opposite attributes, and the Examiner cannot reject two claims with opposite attributes (e.g., claims 25 and 26) based on 35 USC 102 when the reference actually does not explicitly even teaches either of the attributes.

Claim 29 is amended to include the limitation of (objected to) claim 30, and the claims that depend on claim 29 are amended to comport with this change. It is believed that this amendment overcomes the rejection of claims 29, 32, and 34.

Regarding claim 35, which is method that is carried out in a coupler, the Examiner fails to identify the element that the Examiner considers to be the coupler that executes the method. Further, the Examiner asserts that step 103 in FIG. 1 of the reference corresponds to the method step of "receiving a message at a first port," asserting that the first port is microphone 310. Applicant respectfully disagrees. The sender selecting a certification mode and alerting the receiver's machine – which is what step 103 of the reference specifies – has nothing to do with any input that microphone 310 receives. Moreover, the message received by microphone 310 is the sound wave that the microphone picks up and converts to an electrical signal.

The second step of the claimed method is that of determining whether the message received is *bona fide*. If one accepts the Examiner's assertion that microphone 320 is the first port and that, necessarily, the message is the sound wave impinging on microphone 310, then it follows that the second step of the claim is not met, because

Stork et al do not suggest that the voice signal of microphone 310 is checked for being *bona fide*. The Examiner asserts that the second step of claim 35 is also met by step 103 of the reference. Respectfully, selecting a certification mode and sending out an alert is not even close to a step of ascertaining the *bona fide* of anything.

The Examiner does not point to any step in the FIG. 1 flowchart of the reference to correspond to the third step, but asserts that an alert is sent to path 301 (it being a second port) to place unit 305 in a message retrieval mode. The best that can be said relative to the reference is that step 202 in FIG. 2 corresponds to the message that is processed to ascertain whether it is a bona fide request and that step 203 is the alert message that is responsively sent. The reason why this correspondence fails, however, is that the step 202 message is NOT received at the first port (microphone 310, as asserted by the Examiner) and there is no teaching that the *bona fide* of the step 202 message is ascertained.

Further, claim 35 specifies a step of communicating a prompt message from the second port to the first port (that is, from path 301 to microphone 310) and a responsive message from the first port to the second port (that is, from microphone 310 to path 301). The Examiner cites col. 2, lines 23-28. The cited passage describes the prompt that the unit 305 sends to unit 304. This prompt, however, is not sent to microphone 310.

If it is assumed, *arguendo*, that microphone 310 includes an ear piece (which is not described, which cannot be assumed in a 35 USC 102 rejection), that the ear piece is considered to be part of the first port, and that in response to the prompt microphone 310 applies a responsive message, then the Examiner's assertion relative to the two "communicating" steps of claim 35 would be valid. However, the next two steps of claim 35 specify that the responsive message is encrypted and then communicated to the **first** port. The Examiner cited col. 3, lines 32-38, but in applicant's view the cited passage does not come even close to suggesting that the encrypted message is sent to the first port; be it microphone 310, or a combination of microphone 310 and a (not –shown and not described) ear piece. Therefore, applicant respectfully submits that claim 35 is not anticipated by the reference.

Similar analysis leads to the conclusion that claims 40 and 41 are also not anticipated by the reference.

As for claim 43, in addition to the above analysis, it is noted that the claim specifies that the first port provides a response code, and a message. No teaching is found in the reference of any response code arriving from the first code, and the Examiner has not pointed to any. Therefore, it is respectfully submitted that claim 43, and dependent claims 44 are not anticipated by the reference.

In light of the above amendments and remarks, applicants respectfully submit that all of the Examiner's rejections and objections have been overcome. Reconsideration and allowance of the outstanding claims are, therefore, respectfully solicited.

Dated: _____

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